

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

TRACFONE WIRELESS, INC. Plaintiff-Counterclaim Defendant, v. AMERICAN WIRELESS, LLC Defendant-Counterclaim Plaintiff.	Civil Action No. 1:13-CV-833 LO/JFA
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**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO WITHDRAW
APPEARANCE OF ATTORNEY MENHART AND LEXERO LAW AS COUNSEL FOR
DEFENDANT/COUNTERCLAIM PLAINTIFF AMERICAN WIRELESS, LLC**

The undersigned counsel respectfully submit this Memorandum in Support of the Unopposed Motion to Withdraw Appearance of Attorney Menhart and Lexero Law as Counsel for Defendant-Counterclaim Plaintiff American Wireless, LLC (“Motion). For the reasons that follow, the Motion should be granted.

RELEVANT PROCEDURAL BACKGROUND

On July 9, 2013, Plaintiff-Counterclaim Defendant TracFone Wireless, Inc. initiated this civil action. *See* Complaint (Document 1). On July 22, 2013, American Wireless, LLC (“American Wireless”) was served with TracFone’s Complaint. *See* Executed Summons (Document 4). Concurrent with the filing of American Wireless’ Answer and Counterclaims (Document 7), Attorney Eric Menhart of the firm Lexero Law moved for admission *pro hac vice* as counsel for American Wireless (Document 5), which was granted by the Court on August 13, 2013. *See* August 13, 2013 Order (Document 8).

Thereafter, American Wireless retained the law firm of Kelley Drye & Warren, LLP (“Kelley Drye”) to represent it in this action. On August 29, 2013, David J. Ervin, David R. Yohannan and Stephen R. Freeland of Kelley Drye entered their respective appearances as counsel for American Wireless (*see* Documents 9-11), and filed on its behalf American Wireless’ Amended Answer and Counterclaims (Document 12).

ARGUMENT

Local Rule 83.1(G) provides as follows:

(G) **Withdrawal of Appearance:** No attorney who has entered an appearance in any civil action shall withdraw such appearance, or have it stricken from the record, except on order of the Court and after reasonable notice to the party on whose behalf said attorney has appeared.

Local Rule 83.1(G).

The undersigned counsel respectfully request that the Court enter an Order under Local Rule 83.1(G) granting Attorney Menhart’s withdraw of appearance as counsel for American Wireless. This case is in its infancy, and TracFone does not oppose the Motion to withdraw Attorney Menhart’s appearance as counsel for American Wireless. Therefore, there will be no prejudice to any party or to the Court if Attorney Menhart is permitted to withdraw as counsel for American Wireless.

CONCLUSION

For the foregoing reasons, the undersigned counsel respectfully request that the Court grant the Motion and enter an Order withdrawing the appearance of Attorney Eric Menhart and Lexero Law as counsel for American Wireless.

Date: September 9, 2013

Respectfully submitted,

Withdrawing Counsel

/s/ Eric J. Menhart

Eric J. Menhart, Esq.*

*(Admitted *Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2013, I will electronically file the foregoing Memorandum in Support of Unopposed Motion to Withdraw Appearance of Attorney Menhart and Lexero Law as Counsel for Defendant-Counterclaim Plaintiff American Wireless, LLC using the CM/ECF system, which will then send a notification of such filing (NEF) to the following counsel for Plaintiff-Counterclaim Defendant:

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